IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11389 of 2005

Between:

1 K. Venkata Subba Rayudu S/o/. Subba Rayudu
R/o. H.No.1/1412 Parnapalle Road
Pulivendula Kadapa District
2 C. Venkatarathnam S/o. Venkata Swamy
R/o. H.No.1/1410 Parnapalle Road
Pulivendula Kadapa District
3 C.V.Ramanappa S/o. Pattabhi Ramaiah
R/o. H.No.7/17 Ammavarisala Street
Pulivendula Kadapa District

..... PETITIONERS

AND

1 The Municipal Commissioner
Pulivendula Municipality Kadapa District.
2 The Executive Engineer R&B Dept.,
Pilivendla Division Pulivendla, Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, preferably one in the nature of writ of mandamus declaring the action of the respondents in proceeding to demolish the petitioners houses bearing H.Nos.1/1411, 1/1412, 1/1412-A, 1/1412-B,1/1410,1/1409-A,1/1409-B,1/1409-C,1/1409-D,1/1409-E,1/1409-F of parnapalli road, Pulivendla, Kadapa District respectively for the purpose of widening the parnapalli road without issuing any notice, acquiring the said buildings and paying the compensation to the petitioners even though the respondents are duty bound to act in accordance with law as illegal, arbitrary and violative of Articles 14,19,300-A of the Constitution of India and consequently direct the respondents not demolish and interfere with the above said buildings of the petitioners till the compensation is paid by initiating the land acquisition proceedings under the Land Acquisition Act.

Counsel for the Petitioners: MR.K.RATHANGA PANI REDDY
Counsel for the Respondent No.1: MR.S.NAGESWARA REDDY

Counsel for the Respondent No.2: GP FOR ROADS AND BUILDINGS

The Court made the following:

ORDER:

Heard the learned counsel for the petitioners as well as the respondents.

The petitioners submit that they are the owners and possessors of the houses bearing Nos.1/1411, 1/1412, 1/1412-A, 1/1412-B, 1/1410, 1/1409-A, 1/1409-B, 1/1409-C, 1/1409-D, 1/1409-E, 1/1409-F situated at Pulivendula Municipality limits.

It is stated that for the purpose of widening of the road, the structures of the petitioners are sought to be demolished by the respondents without following due procedure prescribed under the law. Under the Municipalities Act, without initiating land acquisition proceedings and without paying any compensation to the petitioners, the respondents cannot take away the property of the petitioners.

Accordingly, the respondents are directed not to demolish any portion of the buildings of the petitioners and not to take away any portion of the land of the petitioners without paying compensation payable to them either by way of private negotiations, and if they do not agree by way of private negotiations, or by initiating the land acquisition proceedings under the Land Acquisition Act.

The writ petition is disposed of accordingly. No costs.

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V.ESWARAIAH, J

Dated 17th May, 2005.

YCR/ES

To

1 The Municipal Commissioner
Pulivendula Municipality Kadapa District.
2 The Executive Engineer R&B Dept.,
Pilivendla Division Pulivendla, Kadapa District

3. 2 CCs to G.P. for Roads and Buildings, High court of A.P. Buildings, Hyderabad (OUT)

4. 2 C.D. copies